

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT ANNABEL, II,

Plaintiff,

Civil No. 5:20-CV-11114/5:20-CV-11804

Honorable Judith E. Levy

v.

United States District Court Judge

SHERMAN CAMPBELL, et. al.,

Defendants,

_____ /

**OPINION AND ORDER CONSOLIDATING
CASE NOS. 5:20-CV-11114 AND 5:20-CV-11804 UNDER CASE NO.
5:20-CV-11114 AND ADMINISTRATIVELY CLOSING CASE NO.
5:20-CV-11804**

Before the Court are Plaintiff Robert Annabel, II's two *pro se* civil rights complaints that he filed separately pursuant to 42 U.S.C. § 1983. Plaintiff is an inmate incarcerated at the Gus Harrison Correctional Facility in Adrian, Michigan. The Court consolidates the two complaints into one action under Case No. 5:20-CV-11114. The Court administratively closes Case No. 5:20-CV-11804.

In Case No. 5: 20-CV-11114, Plaintiff alleges that Defendants are violating his right to the free exercise of his religion by not permitting him to worship the Sabbath according to the dictates of his branch of

Christianity, which observes the Sabbath from sundown Friday night to sundown Saturday night. (ECF No. 1.) That case was stayed on June 11, 2020 and mediation has been ordered pursuant to Administrative Order 18-AO-042. (ECF No. 5).

In Case No. 5:20-CV-11804, Plaintiff alleges that the same defendants are retaliating against him for filing the prior lawsuit in Case No. 5:20-CV-11114 by issuing misconduct tickets against him, by finding him guilty of the misconduct, and by threatening him with additional prison time. That case was originally assigned to Judge Matthew F. Leitman but has since been re-assigned to this Court as a companion case to 5:20-CV-11114. (ECF No. 4.)

Fed. R. Civ. P. 42 (a)(2) indicates that a district court may consolidate actions which “involve a common question of law or fact.” A district court is permitted to consolidate separate civil rights actions prior to screening the case. *See e.g. Johnson v. Johns*, 100 F. App’x 496, 496 (6th Cir. 2004). Because Plaintiff’s two civil rights cases involve common questions of law and fact, the cases will be consolidated into one action. The Court further orders that the allegations contained in Case No. 5:20-CV-11804 be addressed as part of the mediation already ordered

in Case No. 5:20-CV-11114. The Court orders that Case No. 5:20-CV-11804 be administratively closed.

IT IS HEREBY ORDERED:

Case No. 5:20-CV-11114 and Case No. 5:20-CV-11804 shall be consolidated into one action under Case No. 5:20-CV-11114.

All allegations in Case No. 5:20-CV-11804 shall be addressed as part of the mediation already ordered in Case No. 5:20-CV-11114.

Case No. 5:20-CV-11804 shall be administratively closed.

Dated: January 4, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 4, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager